IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

FRIDAY, THE 12TH JANUARY 2007 / 22ND PAUSHA 1928

WP(C).No. 23326 of 2006(B)

PETITIONER:

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1. MISS.P.R.SUMATHI, D/O.SRI.P.K.RAVUNNI, PALLIPARAMBIL HOUSE, 8/226, EDATHIRITHI GRAMA PANCHAYATH, NETAJI ROAD, P.O.CHENTRAPPINNI, THRISSUR DISTRICT.

2. MISS.P.R.OMANA, D/O.SRI.P.K.RAVUNNI, PALLIPARAMBIL HOUSE, 8/226, EDATHIRITHI GRAMA PANCHAYATH, NETAJI ROAD, P.O.CHENTRAPPINNI, THRISSUR DISTRICT.

BY ADV. SRI.J.WILLIAM JOHN

RESPONDENTS:

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1. THE SECRETARY, EDATHIRITHI GRAMA PANCHAYATH, OFFICE OF THE SECRETARY, EDATHIRITHI GRAMA PANCHAYATH OFFICE, P.O.CHENTRAPPINNI, THRISSUR DISTRICT.

2. PRESIDENT, EDATHIRITHI GRAMA PANCHAYATH, OFFICE OF THE PRESIDENT, EDATHIRITHI GRAMA PANCHAYATH OFFICE, P.O.CHENTRAPPINNI, THRISSUR DISTRICT.

3. THE STATE OF KERALA, REPRESENTED BY THE CHIEF SECRETARY, GOVERNMENT OF KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

ADDL.R4. THE EXECUTIVE ENGINEER, L.S.G.D. DIVISION, DISTRICT PANCHAYATH, AYYANTHOLE, THRISSUR – 3.

(ADDL.R4 IS IMPLEADED AS PER ORDER IN I.A.14242/06 DATED 13.10.06)

BY G.P. SRI.MATHEW G.VADAKKAL

BY ADV. SRI.JOICE GEORGE

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 12/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE, J.

W.P.(C)NO. 23326 of 2006

Dated this 12th day of January, 2007

JUDGMENT

This writ petition has been filed complaining that there is water logging in the compound of the petitioners due to the failure on the part of the 2nd respondent Panchayat to provide drainage facilities on the Netaji road which is situated by the side of the petitioners' compound. The averments in the writ petition and the various photographs produced along with the same will show that the grievance voiced by the petitioners is a genuine one.

2. The Panchayat has filed a detailed statement, in which the petitioners' allegation that for want of drainage and the petitioners' compound is getting flooded is not disputed. To the statement a reply affidavit has been filed by the petitioners reiterating his contentions in the writ petition.

3.Heard Sri.J.William John, the learned counsel for the petitioners, Sri.Joice George, the learned Standing Counsel for the respondent Panchayat and Sri.Mathew G.Vadakkal, the

learned Government Pleader. The counsel for the Panchayat would submit that when the Panchayat invited tenders for doing drainage construction work, but there was no response. Thereafter quotations were invited. Response was nill. The Panchayat would have been inclined to execute the work by itself. According to the learned Standing counsel for the Panchayat, the Panchayat may not be able to execute this work by itself since this work does not involve any earth work and the Panchayat normally executes only works in which atleast 75% of the work involved is earth work.

4. Considering the gravity of problem which is being faced by the petitioners, I am of the view that there is justification for directing the Panchayat to deviate from the rule and execute the work by itself. The Panchayat will treat the petitioners' case as a special one and execute the work of constructing drain by the side of the Netaji road so that the water logging problem in the compound of the petitioners will be abated once for at all.

This writ petition will stand disposed of directing the respondent Panchayat to construct a proper drain by the side of Netaji Road so as to allow water from the compound of the petitioner flow through the same and thereby prevent water

logging in the compound of the petitioners. Needful will be done by the Panchayat within three months of receiving a copy of this judgment. It is needless to mention that execution of the work will be in terms of the project which has been approved by the Block level Expert Committee.

PIUS C.KURIAKOSE
Judge

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